

THURSDAY, MARCH 26, 1998

SEVENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Don Dunlap.

Representative Beavers led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hicks; business reasons

Representative Bone; personal reasons

Representative Gunnels; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 581: Rep(s). White as prime sponsor(s).

House Joint Resolution No. 590: Rep(s). Armstrong as prime sponsor(s).

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House Bill No. 207: Rep(s). Ritchie as first prime sponsor(s).

House Bill No. 1585: Rep(s). Newton as prime sponsor(s).

House Bill No. 2080: Rep(s). Bird as prime sponsor(s).

House Bill No. 2620: Rep(s). Fraley and Rhinehart as prime sponsor(s).

House Bill No. 2646: Rep(s). Hargett, Newton, Bowers, Burchett, Fitzhugh, J. DeBerry, U. Jones and Pleasant as prime sponsor(s).

House Bill No. 2666: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2826: Rep(s). Fraley and Hood as prime sponsor(s).

House Bill No. 2842: Rep(s). Armstrong, Boner, Ford, Hargett, Odom and Chumney as prime sponsor(s).

House Bill No. 2864: Rep(s). Stulce as prime sponsor(s).

House Bill No. 2877: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 2883: Rep(s). Ford, Hargrove, Godsey, Hargett, Mumpower, Bird, Walker(Blount), Haley, Pleasant, Roach, McKee, Wood, Sharp, Dunn, Sargent, Cole(Carter) and Walker(Rhea) as prime sponsor(s).

House Bill No. 2904: Rep(s). Langster, Givens, Kent, Cole(Carter), J. DeBerry, U. Jones, S. Jones, Brooks, Windle, Armstrong, Odom, Walley, Boyer, Bittle, Haley, Newton, Hargett, Pleasant, Walker(Rhea), Kernell, Walker(Blount), Boner, Brown, Caldwell, Ferguson, Dunn, Patton, Ford, Godsey, Mumpower, Sargent, Davis, Huskey, McAfee, Winningham, Roach, Whitson and McKee as prime sponsor(s).

House Bill No. 2906: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Bill No. 2908: Rep(s). Givens and Westmoreland as prime sponsor(s).

House Bill No. 2909: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Bill No. 3084: Rep(s). Walker(Rhea) and Bowers as prime sponsor(s).

House Bill No. 3139: Rep(s). Maddox as prime sponsor(s).

House Bill No. 3214: Rep(s). Kisber as prime sponsor(s).

House Bill No. 3248: Rep(s). Cooper and Armstrong as prime sponsor(s).

House Bill No. 3302: Rep(s). Bowers as prime sponsor(s).

House Bill No. 3326: Rep(s). Kisber, Winningham, Naifeh and Davidson as prime sponsor(s).

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House Bill No. 3339: Rep(s). Kisber, Winningham, Naifeh and Davidson as prime sponsor(s).

MESSAGE FROM THE GOVERNOR
March 24, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2798 and 3371, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
March 24, 1998

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 390, 1740, 2454, 2613, 2850, 2943, 3017, 3025, 3372, 3382, 3383, 3384, 3385 and 3388; also, House Joint Resolution(s) No(s). 572, 573, 576, 577, 582, 583, 584, 585, 586, 587, 588, 589, 591, 592, 594, 595, 599 and 621.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
March 24, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 596, 597 and 598; also, House Resolution(s) No(s). 178.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 24, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 596, 597 and 598; also, House Resolution(s) No(s). 178.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 25, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 596, 597 and 598; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 25, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2274, 2382, 2560, 3066 and 3167; also, Senate Joint Resolution(s) No(s). 509, 512, 513, 514, 515, 516, 517, 540 and 541 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

March 25, 1998

The Speaker signed the following: Senate Bill(s) No(s). 43, 2178, 2188, 2332, 2498, 2621, 3013, 3105 and 3248.

SIGNED

March 25, 1998

The Speaker signed the following: Senate Bill(s) No(s). 2274, 2382, 2560, 3066 and 3167; also, Senate Joint Resolution(s) No(s). 509, 512, 513, 514, 515, 516, 517, 540 and 541.

ENROLLED BILLS

March 25, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2134, 2248, 2516, 2616 and 3014.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 25, 1998

The Speaker signed the following: House Bill(s) No(s). 2134, 2248, 2516, 2616 and 3014.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 25, 1998

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 596, 597 and 598.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
March 25, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2229, 2801, 3374, 3375, 3376, 3377, 3378, 3379 and 3380, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
March 25, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2025, 2116, 2359, 2481, 2729 and 2739, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
March 25, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2398, 2609 and 2685, also, House Joint Resolution(s) No(s). 596, 597 and 598; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
March 25, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 572, 573, 576, 577, 582, 583, 584, 585, 586, 587, 588, 589, 591, 592, 594, 595, 599 and 621, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2679; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2740; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2483; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3303; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2473; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 574, 600, 601, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 618, 620, 622 and 623; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2292; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2134, 2248, 2516, 2616 and 3014; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2610; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2501; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 500, amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 3262. The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 26, 1998

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2134, 2248, 2516, 2616 and 3014.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 538, 542, 543, 555 and 557; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 538 -- Memorials, Professional Achievement - Michael Osborn, University of Memphis professor emeritus. by *Cohen.

Senate Joint Resolution No. 542 -- Memorials, Recognition and Thanks - Pastor Ed Jeffries, Trinity Assembly of God Church. by *Crowe.

Senate Joint Resolution No. 543 -- Memorials, Professional Achievement - Dennis T. Powell, 1998 TIME Magazine Quality Dealer Award. by *Crowe.

Senate Joint Resolution No. 555 -- Memorials, Sports - 1997-1998 Pearl-Cohn High School football team, TSSAA Class 4-A state champion. by *Harper, *Harper.

Senate Joint Resolution No. 557 -- Memorials, Personal Achievement - Jennifer Shapourian, Tennessee's Fairest of the Fairs. by *Burks.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 631** -- General Assembly, Statement of Intent or Position - Expresses support for cotton boll weevil eradication program and commissioner of agriculture's efforts to secure additional funding and maintain current level of federal funding for such program. by *Bowers, *Ferguson, *Goins, *Bone, *Windle, *Roach, *Dunn.

Agriculture Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 30, 1998:

House Resolution No. 181 -- Memorials, Retirement - O.L. Walker. by *Rinks.

House Resolution No. 182 -- Memorials, Recognition and Thanks - Love United Gospel Choir. by *Armstrong.

House Joint Resolution No. 630 -- Memorials, Heroism - Military Order of the Purple Heart, Memphis Chapter 484. by *Cooper B, *Miller L, *Haley, *Scroggs, *Hassell, *Hargett, *Kernell, *Brooks, *DeBerry L, *Bowers.

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House Joint Resolution No. 632 -- Memorials, Sports - Dale Kelley, TSSAA Hall of Fame. by *Maddox.

House Joint Resolution No. 633 -- Memorials, Recognition and Thanks - Cindy Royalty, Tulip Grove Elementary School volunteer. by *West.

House Joint Resolution No. 634 -- Memorials, Sports - 1997-1998 Dresden Middle School girls' basketball team, Tops In Tennessee Tournament champions. by *Maddox.

House Joint Resolution No. 635 -- Memorials, Retirement - George Lawson Elder. by *Fitzhugh.

House Joint Resolution No. 636 -- Memorials, Congratulations - Donelson High School 50th Class Reunion. by *West.

House Joint Resolution No. 637 -- Memorials, Personal Achievement - Nathan D. Hudgens, Eagle Scout. by *Davidson.

House Joint Resolution No. 638 -- Memorials, Public Service - Robert "Bob" Ring, County Executive, Williamson County. by *Sargent.

House Joint Resolution No. 639 -- Memorials, Personal Occasion - Mr. and Mrs. Roy Bullard, 60th wedding anniversary. by *Goins.

House Joint Resolution No. 640 -- Memorials, Personal Occasion - Mr. and Mrs. Everett Pressnell, 50th wedding anniversary. by *Goins.

House Joint Resolution No. 642 -- Memorials, Death - Jim Kennedy. by *Naifeh, *DeBerry L, *Hargrove, *Rinks.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 30, 1998:

Senate Joint Resolution No. 522 -- Naming and Designating - "National Crime Victims' Rights Week," April 19-25, 1998. by *Burks, *Cooper, *Henry, *Dixon.

Senate Joint Resolution No. 490 -- Memorials, Death - Jim Kennedy, former Chief of Staff and Deputy Governor for Governor Ned McWherter. by *Henry, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 538 -- Memorials, Professional Achievement - Michael Osborn, University of Memphis professor emeritus. by *Cohen.

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Senate Joint Resolution No. 542 -- Memorials, Recognition and Thanks - Pastor Ed Jeffries, Trinity Assembly of God Church. by *Crowe.

Senate Joint Resolution No. 543 -- Memorials, Professional Achievement - Dennis T. Powell, 1998 TIME Magazine Quality Dealer Award. by *Crowe.

Senate Joint Resolution No. 555 -- Memorials, Sports - 1997-1998 Pearl-Cohn High School football team, TSSAA Class 4-A state champion. by *Harper, *Harper.

Senate Joint Resolution No. 557 -- Memorials, Personal Achievement - Jennifer Shapourian, Tennessee's Fairest of the Fairs. by *Burks.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3399 -- Trenton - Subject to local approval, establishes at large rather than ward elections for board of aldermen, effective with September 1999 election. Amends Chapter 551 of the Acts of 1903; as amended. by *Phelan.

House Bill No. 3400 -- Trenton - Subject to local approval, requires city judge's salary to be set two months before election and caps such salary at \$20,000 a year. Amends Chapter 551 of the Acts of 1903; as amended. by *Phelan.

House Bill No. 3401 -- Williamson County - Subject to local approval, revises borrowing power of the board of trustees for the Williamson County Hospital District. Amends Chapter 107 of the Private Acts of 1957; as amended. by *Sargent, *Mumpower.

House Bill No. 3402 -- Smith County - Subject to local approval, enacts "Smith County Mobile Home Park Regulations.". by *Buck.

House Bill No. 3403 -- Fentress County - Subject to local approval, increases size of county board of education to ten members, with two members being elected from each of five school districts; staggers terms so that one member from each district is elected at each regular August election; makes provisions for incumbent members to serve remainder of respective terms. Amends Chapter 251 of the Private Acts of 1972, as amended. by *Windle.

House Bill No. 3404 -- Roane County - Subject to local approval, requires proof of building permit before utilities can be connected to structure. by *Ferguson.

House Bill No. 3405 -- Pleasant Hill - Subject to local approval, establishes staggered terms for city council members; removes authority of nonresident property owners to vote; sets salary of mayor at \$50.00 a month and council members at \$25.00 a month. Amends Chapter 140 of the Private Acts of 1963, as amended. by *Curtiss.

House Bill No. 3406 -- Camden - Subject to local approval, revises term of mayor from two to four years. Amends Chapter 350 of the Acts of 1903; as amended. by *Tidwell.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2209** -- State Employees - Prohibits termination of state employee for filing workers' compensation claim; permits reinstatement, back pay and recovery of attorney fees Amends TCA Title 9, Chapter 8, Part 3. by *Cohen.

***Senate Bill No. 3007** -- Municipal Government - Enacts impact fee for Mt. Juliet to be assessed for new residential development if approved by 2/3 vote of municipality. Amends TCA Title 6, Chapter 54. by *Rochelle.

***Senate Bill No. 3042** -- Codes - Provides for adoption by state fire marshal and local governments of building codes suitable for historic structures. Amends TCA Title 68, Chapter 120. by *Dixon.

***Senate Bill No. 3079** -- Fees - Authorizes register in Jefferson County to impose \$2.00 data processing fee for recording of each instrument Amends TCA Section 8-21-1001. by *Williams.

***Senate Bill No. 3086** -- Municipal Government - Allows city to delegate power to health, educational and housing facility corporation to contract with lessees for payment in lieu of taxes. Amends TCA Section 48-101-312. by *Leatherwood.

Senate Bill No. 3099 -- Pardons and Paroles - Excludes close custody and maximum custody inmates from parole grant hearing for designated amount of time. Amends TCA Section 40-28-115 and Section 40-35-501. by *Jordan, *Atchley.

Senate Bill No. 3161 -- Fees - Authorizes register in Dickson County to impose \$2.00 data processing fee for recording of each instrument Amends TCA Section 8-21-1001. by *Springer.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3396 -- Sullivan County -- Local Bill Held on House Desk

House Bill No. 3398 -- Ashland City -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 24, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 26, 1998**: House Bill(s) No(s). 2904, 3084, 3139, 2877, 2408, 2272, 2717, 2442, 2883, 2926, 2646, 2826, 2482, 2673 and 2838.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 30, 1998**: House Bill(s) No(s). 3306, 2262, 2208, 3131, 3066, 2599, 2612, 2629, 2210, 2112, House Joint Resolution(s) No(s). 515, Senate Joint Resolution(s) No(s). 397, 367 and 409.

AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution(s) No(s). 590, also House Bill(s) No(s). 3100 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2923 and 3235; also House Bill(s) No(s). 2295 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3132 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: Senate Joint Resolution(s) No(s). 379, also House Bill(s) No(s). 2571 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Joint Resolution(s) No(s). 466, also House Bill(s) No(s). 2764 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3250; also House Bill(s) No(s). 2474 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that the following was considered but failed to pass: House Bill No. 3251.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2927, 2583, 2409, 3107 and 2517, also House Bill(s) No(s). 2902, 2931, 2214, 2880, 3236 and 2711 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2152, 2166, 2155, 2156, 2157, 2158, 2183, 2184, 2185 and 2186 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that House Bill(s) No(s). 3353 be referred to the State & Local Government Committee and House Bill(s) No(s). 3043 be referred to the Judiciary Committee. House Bill(s) No(s). 2949, 2422 and 2624 with amendments were referred to the Commerce Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2783, also House Bill(s) No(s). 2513, 2531, 2378 and 135 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2899; also House Bill(s) No(s). 2389, 1751 and 2898 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3267, also House Bill(s) No(s). 716, 2642, 1533, 3258 and 81 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2890; also House Bill(s) No(s). 2995 and 2417 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 25, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for March 30, 1998**: House Bill(s) No(s). 2909, 2617, 2807, 2903, 3241, 2862, 2954, 1764, 2199, 3102 and Senate Joint Resolution(s) No(s). 450.

The Committee set the following bill(s) on the **Regular Calendar for April 2, 1998**: House Bill(s) No(s). 2906.

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The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 30, 1998**: House Bill(s) No(s). 2620, 2357, 2356 and 2824.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2758 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3305 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2658; also House Bill(s) No(s). 87 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Joint Resolution(s) No(s). 468, also House Bill(s) No(s). 2403, 2776, 1780 and House Resolution(s) No(s). 150 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3145; also House Bill(s) No(s). 2777 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 3039 and House Joint Resolution(s) No(s). 568, 575 and 581, also House Bill(s) No(s). 2341 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 26, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 1, 1998**: House Bill(s) No(s). 2711, 1664, 2295, 2378, 3364, 2923, 3340, 2885, 2539, 2152, 2166, 2155, 2156, 2157, 2158, 2183, 2184, 2186, 2185 and House Joint Resolution(s) No(s). 466.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 30, 1998**: House Bill(s) No(s). 3016 and House Joint Resolution(s) No(s). 580.

CAPTION BILLS REFERRED

March 24, 1998

Pursuant to **Rule No. 47**, the following Caption Bill(s), 880 and 2485 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 880-- Aged Persons -- House Commerce Committee

House Bill No. 2485 -- Mental Illness -- House Health & Human Resources Committee

CAPTION BILLS REFERRED

March 25, 1998

Pursuant to **Rule No. 47**, the following Caption Bill(s), 207, 1882, 2792 and 3325 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 207 -- Education, Higher -- House Education Committee

House Bill No. 1882 -- Hospitals and Health Care Facilities -- House Commerce Committee

House Bill No. 2792 -- Business and Commerce -- House Judiciary Committee

***House Bill No. 3325 --** Salaries and Benefits -- House State & Local Government Committee

CONSENT CALENDAR

House Resolution No. 179 -- Memorials, Academic Achievement - Gennifer Megan Ayers, Sullivan High School. by *Godsey.

House Resolution No. 180 -- Memorials, Personal Occasion - John and Geneva Cummings, 50th wedding anniversary. by *Brooks, *Turner (Shelby), *DeBerry J, *Jones U (Shelby), *Bowers, *Cooper B, *Towns, *Miller L, *Pruitt, *Langster, *DeBerry L, *Chumney.

House Joint Resolution No. 627 -- Memorials, Personal Achievement - Stephanie Joy Gaskill, Tennessee's Safest Kid. by *Beavers, *Fowlkes.

House Joint Resolution No. 628 -- Memorials, Sports - Chad Bartlett, TSSAA Division 1 State Wrestling Tournament 189 pound runner-up. by *Beavers, *Fowlkes.

House Joint Resolution No. 629 -- Memorials, Sports - Sparta Youth Basketball Program. by *Curtiss.

Senate Joint Resolution No. 519 -- Memorials, Professional Achievement - Linda Arms Gilbert, 1998 Teacher of the Year. by *Womack.

Senate Joint Resolution No. 520 -- Memorials, Sports - Campbell County High School football team honorees. by *McNally.

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Senate Joint Resolution No. 523 -- Memorials, Academic Achievement - Henry Garth Click, 1998 White House High School Salutatorian. by *Graves.

Senate Joint Resolution No. 524 -- Memorials, Academic Achievement - Daniel Alan Lewis, 1998 White House High School Valedictorian. by *Graves.

Senate Joint Resolution No. 525 -- Memorials, Academic Achievement - Mary Bartek, Salutatorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 526 -- Memorials, Academic Achievement - Josh Phillips, 1998 Gallatin High School Valedictorian. by *Graves.

Senate Joint Resolution No. 527 -- Memorials, Academic Achievement - Gabe Phillips, Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 528 -- Memorials, Academic Achievement - Christy Pruett, 1998 Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 529 -- Memorials, Academic Achievement - Sara Carter, 1998 Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 530 -- Memorials, Academic Achievement - Jennifer Andrews, 1998 Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 531 -- Memorials, Academic Achievement - Myryea A. Edwards-Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 532 -- Memorials, Academic Achievement - Joy Royster, 1998 Greenbrier High School Valedictorian. by *Graves.

Senate Joint Resolution No. 533 -- Memorials, Academic Achievement - John E. Evans, 1998 Greenbrier High School Valedictorian. by *Graves.

Senate Joint Resolution No. 534 -- Memorials, Academic Achievement - Jeremy Stiles, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 535 -- Memorials, Academic Achievement - Jennifer Mitchell, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 536 -- Memorials, Academic Achievement - Kenya Danielle Matthews, Salutatorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 539 -- Memorials, Recognition and Thanks - Pastor Walter Phillips, Jr., Christ Temple Christian Church. by *Haynes.

Senate Joint Resolution No. 558 -- Naming and Designating - "Storytelling Day in Tennessee," April 1, 1998. by *Crowe.

Rep. Godsey moved that all members voting aye on House Resolution No. 179 be added as sponsors which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2579 -- State Employees - Establishes 50 percent year round discount for full-time state employees on camping fees charged at state parks. Amends TCA Title 11, Chapter 3. by "Boyer. (*SB2523 by *Springer, *Williams, *Crowe)

Further consideration of House Bill No. 2579 previously considered on March 18, 1998, and reset to today's Calendar.

On motion, House Bill No. 2579 was made to conform with **Senate Bill No. 2523**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2523 be passed on third and final consideration.

On motion, Rep. Cross withdrew Conservation & Environment Committee Amendment No. 1.

Rep. Westmoreland moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Boyer moved that **Senate Bill No. 2523** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes88
Noes3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brown, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks, Caldwell, Haley -- 3.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2779 -- Insurance, Health, Accident - Revises requirements concerning overinsurance; defines "earned income" and "overinsurance." Amends TCA Section 56-26-109. by "Walker (Rhea), *Wood. (*SB2419 by *Atchley)

Further consideration of House Bill No. 2779 previously considered on March 18, 1998, and reset to today's Calendar.

On motion, House Bill No. 2779 was made to conform with **Senate Bill No. 2419**; the Senate Bill was substituted for the House Bill.

Rep. Walker(Rhea) moved that Senate Bill No. 2419 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Walker(Rhea) moved that **Senate Bill No. 2419** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands,

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Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 3064 -- Parks, Natural Areas Preservation - Requires department of environment and conservation to create long range master plan for funding, management and development of state parks; prohibits addition of any capital projects not provided for in master plan. Amends TCA Title 11, Chapter 3. by *Odom. (*SB2711 by *Gilbert)

Further consideration of House Bill No. 3064 previously considered on March 18, 1998, and reset to today's Calendar.

On motion, House Bill No. 3064 was made to conform with **Senate Bill No. 2711**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2711 be passed on third and final consideration.

Rep. Odom moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Cross moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2711 by adding the language, "which cost in excess of one hundred thousand dollars (\$100,000)" in the first sentence of subsection (c) of Section 1 of the printed bill after the words "capital projects".

AND FURTHER by adding at the end of subsection (c) of Section 1 of the printed bill the following sentence:

Such amendment may be made after holding one (1) public hearing in the area of the park or parks affected by the change, after providing a copy of the proposed changes to the non-profit organizations and the chairs of the legislative committees referred to in subsection (b) of this section and after considering all comments received.

On motion, Amendment No. 2 was adopted.

Rep. Brown moved the previous question, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 2711**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 3304** -- Education, Dept. of - Authorizes department to develop plan to transfer all or part of state testing program from University of Tennessee to department. Amends TCA Title 49, Chapter 1. by *Whitson, *McDaniel. (SB3302 by *Atchley)

Further consideration of House Bill No. 3304 previously considered on March 18, 1998, and reset to today's Calendar.

Rep. Whitson moved that **House Bill No. 3304** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	18
Present and not voting	6

Representatives voting aye were: Arriola, Beavers, Bird, Boner, Bowers, Boyer, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Eckles, Ferguson, Ford, Fowlkes, Fraley, Godsey, Halteman-Harwell, Hargrove, Hassell, Head, Hood, Huskey, Jones S., Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Turner (Ham), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Armstrong, Bittle, Brooks, Caldwell, DeBerry L., Dunn, Fitzhugh, Givens, Kerr, Maddox, Phillips, Ritchie, Sands, Tidwell, Tindell, Towns, West, White -- 18.

Representatives present and not voting were: Brown, Cooper, Goins, Haley, Hargett, Jackson -- 6.

A motion to reconsider was tabled.

House Bill No. 1085 -- Taxes - Exempts "monuments of the deceased" rather than "monuments of the dead" from taxation. Amends TCA Title 67. by *Scroggs. (*SB1103 by *Rochelle)

Further consideration of House Bill No. 1085 previously considered on March 9, 1998, and March 19, 1998, and reset to today's Calendar.

Rep. Scroggs moved that House Bill No. 1085 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1085 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 67, Chapter 5, is amended by adding the following as a new part:

Section _____. (a) The local tax administrative officers, being the county trustee with respect to county personal property taxes and the comparable tax collecting officers in a municipality with respect to municipal property taxes, may waive the enforcement and collection of all, but not a portion of, personal property taxes, penalties and interest in cases in which the tax collecting officers determine, after reviewing the facts and circumstances, that:

(1) The business or enterprise which was subject to the tax levy had ceased all business operations prior to the assessment date;

(2) The personal property of an out-of-existence business or enterprise cannot be located after diligent search and inquiry; and

(3) Neither fraud nor an intention to avoid payment of the taxes on the part of the business or enterprise caused the circumstances giving rise to such waiver.

(b) Any waiver under this part shall be included and set forth as a credit in the monthly settlement and annual statement pursuant to §§ 67-5-1903 and 67-5-1904.

(c) With respect to personal property taxes, penalties and interest for which no delinquent tax lawsuit has been filed, the local tax administrative officers shall provide a report to the chief executive officer of the local government of the taxes, penalties and interest waived under this section. With respect to delinquent personal property taxes, for which the delinquent lawsuit has been filed, the court having jurisdiction of the delinquent tax lawsuit may, upon motion and a finding that (1) - (3) exist, order the waiver of enforcement and collection of all, but not a portion of, such personal property taxes, penalties and interest, and attorney fees and costs.

Section _____. (a) All or any portion of penalty and interest and attorney fees which are due on real property taxes may be waived by order of the court having jurisdiction of the delinquent tax lawsuit upon a motion and a finding that (1) - (4) herein exist.

(1) The property has been determined to be environmentally hazardous pursuant to federal or state environmental protection or hazardous materials laws by those officials, agencies or courts with the responsibility for enforcing the environmental protection or hazardous materials laws (a superfund site);

(2) The county legislative body has determined that no bid should be made on behalf of the governmental entity to which taxes are owed pursuant to § 67-5-2506;

(3) The waiver is made in conjunction with the remediation and cleanup of the property; and

(4) The circumstances giving rise to the waiver did not result from fraud or an intention to avoid payment.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cross moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1085 by inserting the following language as a new, appropriately designated section immediately preceding the final section and by renumbering such final section accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-5-1407(a)(2), is amended by adding the following new sentence to the end of the section:

It is the legislative intent of this section that the county board of equalization shall meet in regular session until all taxpayers having made timely complaint have been given the opportunity to appear before the board.

On motion, Amendment No. 2 was adopted.

Rep. Scroggs moved that **House Bill No. 1085**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2080** -- Historical Commission - Requires six members of commission to be academically-trained historians with master's degree in history, two from each grand division; three to be African-American, one from each grand division; appointments to be made as vacancies occur or at expiration of terms. Amends TCA Section 4-11-102. by *Pruitt, *Brooks, *Langster. (SB2322 by *Dixon)

Further consideration of House Bill No. 2080 previously considered on March 23, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Pruitt moved that House Bill No(s). 2080 be reset for the Regular Calendar on April 2, 1998, which motion prevailed.

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by *Dunn, *Burchett, *Bone, *West, *Hargett, *Haley, *Pleasant. (*SB1610 by *Jordan)

Further consideration of House Bill No. 3203 previously considered on March 23, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Dunn moved that House Bill No(s). 3203 be reset for the Regular Calendar on March 30, 1998, which motion prevailed.

House Bill No. 3003 -- Alcoholic Beverages - Permits licensed hotels and restaurants to provide alcoholic beverages at catered events upon notice to commission. Amends TCA Section 57-4-101; Section 57-4-102; Section 57-4-203 and Section 57-4-301. by *Arriola, *Langster. (*SB3140 by *Haynes)

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Further consideration of House Bill No. 3003 previously considered on March 18, 1998, and March 23, 1998, and reset to today's Calendar.

Rep. Arriola moved that House Bill No. 3003 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3003 by deleting Section of the bill and inserting in lieu thereof the following:

SECTION 6. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following new subsection:

() "Caterer" means a business engaged in offering food and beverage service for a fee at various locations, which business operates a permanent catering hall on an exclusive basis which hall is capable of seating at least seventy-five (75) persons at tables and contains a complete and adequate commercial kitchen facility, and which business is licensed as a caterer by the Tennessee department of health.

On motion, Amendment No. 1 was adopted.

Rep. Walker(Blount) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3003 by adding the following new sentence to the amendatory language of SECTION 1:

A caterer licensed under this chapter may distribute and sell wine, beer and other alcoholic beverages at locations other than the permanent catering hall if the caterer is providing catering services at a location that is within a jurisdiction where such sales are authorized.

On motion, Amendment No. 2 was adopted.

Rep. Arriola moved that **House Bill No. 3003**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	53
Noes	31
Present and not voting	5

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Representatives voting aye were: Armstrong, Arriola, Bittle, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis, DeBerry L., Fitzhugh, Fraley, Givens, Halteman-Harwell, Hargrove, Hassell, Head, Jackson, Jones S., Kent, Kisber, Langster, McKee, McMillan, Miller, Newton, Odom, Phelan, Pruitt, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Rhea), West, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Burchett, Cross, Curtiss, Dunn, Eckles, Ferguson, Ford, Godsey, Goins, Haley, Hargett, Hood, Kerr, Maddox, McAfee, McDaniel, McDonald, Mumpower, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Roach, Sharp, Walley, White, Windle, Wood -- 31.

Representatives present and not voting were: Bird, Boyer, Fowlkes, Tidwell, Walker (Blount) -- 5.

A motion to reconsider was tabled.

House Bill No. 2313 -- Local Education Agency - Requires majority of all members constituting board to transact all business coming before board in regular or special meetings instead of majority of quorum. Amends TCA Section 49-2-202. by *McMillan, *Davidson. (*SB2396 by *Graves, *Atchley)

Further consideration of House Bill No. 2313 previously considered on March 23, 1998, and reset to today's Calendar.

On motion, House Bill No. 2313 was made to conform with **Senate Bill No. 2396**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2396 be passed on third and final consideration.

Rep. Davis moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2396 by deleting the language following the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-202, is amended by adding the following language as a new, appropriately designated subsection:

() A majority of all the members constituting the board, and not merely a majority of the quorum, shall be required to transact all business coming before the board in regular or special meetings. However, a majority of the quorum shall be entitled to act upon all business contained on the board's consent agenda where such agenda is developed pursuant to an adopted board policy.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. McMillan moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	65
Noes	24

Representatives voting aye were: Armstrong, Arriola, Beavers, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Givens, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hood, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Ritchie, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walley, West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Bird, Bittle, Boyer, Cole (Carter), Davis, Dunn, Fraley, Godsey, Goins, Hargett, Huskey, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Rhinehart, Roach, Sargent, Stamps, Walker (Rhea), Westmoreland, Wood -- 24.

Rep. Newton moved the previous question, which motion prevailed.

Rep. McMillan moved that **Senate Bill No. 2396**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

***House Bill No. 2904** -- Education - Enacts "Safe Schools Act of 1998." Amends TCA Title 49, Chapter 3, Part 3 and Chapter 6. by *Hargrove, *Davidson, *DeBerry L, *Naifeh, *Rinks, *Arriola, *McDonald, *Kisber, *Williams (Williamson), *Fraley, *Hood, *Miller L, *West, *Fitzhugh, *Maddox, *Chumney, *Sands, *Bowers, *Ridgeway, *Stulce, *Robinson, *Cole (Dyer), *Pruitt, *White, *Eckles, *Cooper B, *Ritchie, *McMillan, *Lewis, *Turner (Hamilton). (SB3131 by *Crutchfield, *Rochelle)

Rep. Hargrove moved that House Bill No. 2904 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2904 in Section 3 of the printed bill by inserting between the words "match" and "by the local education agency" in subdivision (c)(2)(B) of the amendatory language, the words "of the percentage received under subdivision (c)(2)(A)"

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 2904**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3084 -- Real Property - Revises disclosure form in Tennessee Residential Property Disclosure Act. Amends TCA Section 66-5-210. by *Rinks. (*SB3069 by *Atchley, *Gilbert)

On motion, House Bill No. 3084 was made to conform with **Senate Bill No. 3069**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that **Senate Bill No. 3069** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3139 -- Taxes, Sales - Exempts electricity and natural gas used to generate heat for production of primary aluminum can sheet products when sold to or used by manufacturers Amends TCA Section 67-6-206. by *Rinks. (*SB3200 by *Rochelle)

Rep. Rinks moved that House Bill No. 3139 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3139 by deleting the word "electricity or" in the amendatory language of Section 1.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 3139**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 2877 -- Local Government, General - Allows local governments to issue bonds for developing and maintaining business parks. Amends TCA Title 9, Chapter 21. by *Kisber, *McDaniel, *Bowers, *Dunn, *McKee, *Burchett, *Armstrong, *Cole (Dyer), *Head, *Ritchie, *Tindell, *Davidson, *Rinks, *Ridgeway. (*SB3091 by *Atchley, *Gilbert, *McNally, *Elsea, *Leatherwood, *Henry)

On motion, House Bill No. 2877 was made to conform with **Senate Bill No. 3091**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 3091 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 3091** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2272** -- Local Government, General - Requires member of local governing body abstaining for any reason other than conflict of interest to be counted for purpose of determining majority vote. Amends TCA Section 12-4-101. by *Curtiss. (SB2377 by *Burks)

On motion, House Bill No. 2272 was made to conform with **Senate Bill No. 2377**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 2377 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2377 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 12-4-101(c)(3), is amended by deleting the words "county or" from the last sentence; by designating the first sentence as (c)(3)(A); and by designating the second sentence as (c)(3)(B).

Section 12-4-101(c)(3) is further amended by adding the following language at the end of the newly designated subdivision (c)(3)(B):

The provisions of this subdivision (B) shall in no way be construed to apply to any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2377 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 12-4-101(c)(1), is amended by deleting the language "may vote on matters in which the member has a conflict of interest", and by substituting instead the language "may vote on budget appropriations, the tax rate, and the final budget document if the member has a conflict of interest and".

Rep. Winningham moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes69
Noes15

Representatives voting aye were: Arriola, Beavers, Bittle, Boner, Boyer, Buck, Burchett, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Halteman-Harwell, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Armstrong, Brooks, Brown, Caldwell, Cooper, DeBerry J., DeBerry L., Jones U., Langster, Miller, Pruitt, Ritchie, Tindell, Towns, Turner (Shelby) -- 15.

Rep. Curtiss moved that **Senate Bill No. 2377**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2717 -- Uniform Commercial Code - Requires security agreements and financing statements relative to crops and timber to contain USDA, Farm Services Agency farm serial numbers (if any) in order to be enforceable Amends TCA Section 47-9-203 and Section 47-9-402. by *Fitzhugh. (*SB2912 by *Graves)

On motion, House Bill No. 2717 was made to conform with **Senate Bill No. 2912**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 2912 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Fitzhugh moved that **Senate Bill No. 2912** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 2442** -- Regional Authorities - Creates East Tennessee Regional Agribusiness Marketing Authority. Amends TCA Title 64, by *Ford S, *Patton, *Mumpower, *Westmoreland, *Hicks, *Whitson, *Huskey, *Goins, *Cole (Carter), *Godsey, *Givens, *Fraleay, *Tidwell, *Walker (Rhea), *Davis R, *Roach. (SB2567 by *Haun)

Rep. Ford moved that House Bill No. 2442 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2442 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 64, is amended by adding Sections 2 through 18 inclusive of this act as a new, appropriately designated chapter.

SECTION 2.

(a) The East Tennessee Regional Agribusiness Marketing Authority is hereby created as a public body corporate and politic, hereinafter referred to as the authority. The authority is a public and governmental body acting as an agent and instrumentality of the counties with respect to which the authority is organized. As such all property of the authority, both real and personal, are exempt from all local, state and federal taxation.

(b) The acquisition, operating and financing of the authority and related purposes are hereby declared to be for public and governmental purposes and a matter of public necessity to further the economy and growth of the agricultural industry of the region.

(c) The purpose of the East Tennessee Regional Agribusiness Marketing Authority is to establish and operate a market for agricultural products of the region through a food distribution center, to provide farmers of the region with a ready market for agricultural products, and to provide the citizens of the region and other buyers a convenient place to purchase these products.

SECTION 3. Unless the context requires a different meaning, the following terms are defined as follows for purposes of this act:

(1) "Agribusiness" means a business dealing with agricultural products or engaged in providing products or services to farmers.

(2) "Authority" means the East Tennessee Regional Agribusiness Marketing Authority.

(3) "Board" means the Board of Directors of the East Tennessee Regional Agribusiness Marketing Authority.

(4) "Center" means the regional food distribution center established by the authority.

(5) "Department" means the Tennessee department of agriculture.

(6) "Region" means the area consisting of the Tennessee counties of Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, and Washington and any other county in the East Tennessee Grand Division which becomes a member of the Authority in accordance with the provisions of Section 16.

SECTION 4.

(a) Subject to the provisions of subsection (b), the authority shall be governed by a board of directors consisting of the county executive of each county, or the county executive's designee, that is a member of the authority. Subject to the provisions of Section 16, the following counties shall comprise the authority: Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi and Washington Counties.

The term of any designee shall expire with the term of the county executive which appointed such designee. The initial terms of designees, if any, shall be as follows: The initial term of the designee from Claiborne, Cocke, Grainger and Greene County shall be a one (1) year term; the initial term of the designee from Hamblen, Hancock, Hawkins and Jefferson County shall be a two (2) year term; and the initial term of the designee from Johnson, Sullivan, Unicoi and Washington County shall be a three (3) year term. Thereafter the term of office for each designee shall be a three (3) year term.

The board shall also have two (2) non-voting members as follows: the commissioner of the department of agriculture or the commissioner's designee, and the dean of the University of Tennessee Agricultural Extension Service, or the dean's designee. The board of directors shall at its first meeting of each calendar year elect from its voting membership a chairman, a vice-chairman, a secretary and a treasurer, each to serve terms of one (1) year and until a successor is elected.

(b) Should a designee board member attend less than fifty percent (50%) of the called meetings during a calendar year, the board reserves the right to declare a vacancy on the board for that position. The board shall then notify the county executive who appointed such designee of such vacancy and if such county executive fails to appoint a new designee within thirty (30) days, then the board shall by majority vote replace such member with a knowledgeable person from the county for which a vacancy was declared by the board.

(c) The board shall meet at least semi-annually. More frequent meetings may be called at the discretion of the board.

SECTION 5.

The board shall establish an executive committee consisting of the chairman, vice chairman, secretary, treasurer and the center manager as an ex officio member. The executive committee is authorized to act on behalf of the board in the day to day operations of the authority. The executive committee shall meet at least monthly, either in person or by telephone conference, and make a full report to the board at its regular meetings.

SECTION 6.

(a) The board may appoint an advisory committee from a list of nominees submitted by each county executive to consist of one (1) farmer, or one (1) person engaged in agribusiness marketing, or one (1) person from a financial institution, and the agricultural extension agent from each participating county.

(b) If appointed by the board, it shall be the duty of the advisory committee to consult with and advise the board regarding the operation and financial management of the authority.

SECTION 7.

(a) The authority shall have the following powers:

(1) Perpetual succession in corporate name;

(2) Sue and be sued in its name;

(3) Adopt, use and alter a corporate seal, which shall be judicially noticed;

(4) Enter into such contracts and cooperative agreements with the federal, state and local governments, with agencies of such governments, with private individuals, corporations, associations and other organizations as the board may deem necessary or convenient to enable it to carry out the purposes of this part;

(5) Adopt, amend and repeal bylaws;

(6) Appoint such managers, officers, employees, attorneys and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine. The salaries of any such employees may be paid out of such funds as may be available to the authority; and

(7) Accept the transfer of grants, funds, assets and liabilities of the East Tennessee Agribusiness Authority upon the termination of the interlocal government cooperative agreement establishing such authority, in accordance with the provisions of Section 18 of this act.

(b) The board shall:

(1) approve an annual budget for the authority.

(2) adopt a purchasing policy and a personnel policy consistent with state and federal law.

(3) adopt policies and procedures for fiscal control and accounting.

(c) The board may do all other things which are necessary or appropriate for carrying out the purposes of this act that are not prohibited to it by law or this act.

SECTION 8.

(a) (1) The authority is authorized and empowered to issue its bonds, notes or other obligations from time to time for the purpose of paying in whole or in part the cost of acquiring necessary lands and interests therein, and of constructing and acquiring constructed facilities and improvements necessary to further the economy and growth of the agriculture industry of the region, and the expenses incidental thereto. Prior to the adoption of any resolution of the board authorizing the sale of bonds, notes or other obligations or entering into any contract or other arrangement in the planning or preparation for the sale of bonds, notes or other obligations, the authority shall review such plans with the state division of bond finance. The state funding board established by § 9-9-101 is authorized to contract or to make other arrangements as it may deem necessary to provide for the issuance of such bonds, notes or other obligations of the authority, or in the state funding board's discretion, the authority may enter into such contracts or other arrangements. Any contract or arrangement entered into for the purpose of the issuance of any bonds, notes or other obligations shall be subject to the approval of the state funding board.

(2) Any resolution of the board authorizing the sale of bonds, notes or other obligations shall be submitted to the state funding board, and such resolution shall only become effective upon receiving the approval of the state funding board. The state funding board, upon rejecting any resolution of the board authorizing the issuance of bonds, notes or other obligations, shall state in writing the reasons for this action.

(b) (1) Except as herein otherwise expressly provided, all bonds, including notes or other obligations of the authority, issued by the authority, are payable solely out of the revenues and receipts derived from the authority's projects or of any revenues of the authority as may be designated in the proceedings of the board under which the bonds are authorized to be issued; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both,

may be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the authority and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board whereunder the bonds shall be authorized to be issued.

(2) If deemed advisable by the board, there may be retained in the proceedings under which any bonds of the authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued.

(3) Any bonds of the authority may be sold at public or private sale in such manner, at such price and from time to time as may be determined by the board to be most advantageous, and the authority may pay all expenses, premiums and commissions which its board may deem necessary or advantageous in connection with the issuance thereof. Issuance by the board of one (1) or more series of bonds for one (1) or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds.

(4) Proceeds of bonds issued by the authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering or extending any project or projects, including the payment of interest on the bonds during construction of any such project, and for two (2) years after the estimated date of completion, and payment of engineering, fiscal, architectural and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment.

(c) Subject to the approvals required in subsection (a), any bonds or notes of the authority at any time outstanding may at any time and from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding the sum of the following:

- 1) The principal amount of the obligations being refinanced;
- (2) Applicable redemption premiums thereon;

(3) Unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds;

(4) In the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the board or to the date or dates of maturity, whichever shall be determined by the board to be most advantageous or necessary to the authority;

(5) A reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve;

(6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion, but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced; and

(7) Expenses, premiums and commissions of the authority, including bonds discount, deemed by the board to be necessary for the issuance of the refunding bonds. A determination by the board that any refinancing is advantageous or necessary to the authority, or that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(d) Any such refunding may be effected whether the obligations to be refunded have then matured or thereafter mature, either by the exchange or the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds, and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded are payable on the same date or different dates or are due serially or otherwise.

(e) Prior to the issuance of the refunding bonds, the board shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by mail to each registered holder, and, if the outstanding bonds or coupons are not registered securities, by publication of an appropriate notice one (1) time each in a newspaper having general circulation in the area of the project and in a financial newspaper published in New York City, New York, having national circulation. As soon as practicable after the delivery of the refunding

bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the board shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(f) If any of the obligations to be refunded are to be called for redemption, the board shall cause notice of redemption to be given in the manner required by the proceedings, authorizing such outstanding obligations.

(g) The principal proceeds from the sale of any refunding bonds shall be applied only as follows:

(1) To the immediate payment and retirement of the obligations being refunded; or

(2) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any authority or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in this state, if such certificates are secured by a pledge of any of such obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which have not matured and which are not presently redeemable, or, if presently redeemable, have not been called for redemption.

(h) All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

(i) The principal of and interest on any bonds issued by the authority may be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made, and/or by an assignment and pledge of all or any part of the authority's interest in and rights under the leases, sale contracts or loan agreements relating to such projects, or any part thereof. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or

portions thereof covered by such resolution, mortgage or deed of trust, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds and the rights and remedies available in the event of default, all as the board deems advisable and not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made have been fully paid. In the event of default in such payment or in any agreements of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust executed as security therefor, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage and deed of trust, or any one (1) or more of the above remedies.

SECTION 9. The board is authorized to appoint a market manager and staff whose salaries shall be paid out of the revenues generated by the market.

SECTION 10.

(a) The board shall establish the time, date, and place for its regular meetings. The chairman or a majority of the voting members of the board, by petition, may call special meetings of the board.

(b) A majority of the entire voting membership of the board and not simply a majority of those members present, is necessary to conduct business.

(c) The members of the board, executive committee or advisory committee, if an advisory committee is appointed, shall serve without compensation, but they may be allowed necessary traveling and other expenses while engaged in the business of the authority in such amount as the board approved in the annual budget for the authority.

SECTION 11. The counties which are members of the authority are hereby authorized and empowered to:

(1) Appropriate sufficient funds for the use of the authority amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county. County legislative bodies are empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for county public purposes; and

(2) Issue their bonds as provided in title 9, chapter 21, to obtain funds for the financing of public works by the authority pursuant to cooperative agreements with the authority.

SECTION 12. In addition to the provisions of Section 11, the authority may receive grants, appropriations, other contributions of funds, and real or personal property, from the state of Tennessee, the federal government, any other governmental entity, or any non-profit organization, individuals, companies, or corporations.

SECTION 13. The financial affairs of the authority shall be conducted in accordance with state law and the procedures established by the comptroller of the treasury. The board may establish such bank accounts for the authority as the board deems appropriate and consistent with state law.

SECTION 14. The board shall conduct an annual audit of the agribusiness market records and shall require the market manager to submit a yearly report to the board.

SECTION 15. The board may direct the disposal of the authority's obsolete or surplus property except for land purchased under the provisions of the State's Grant Agreement, contract number 100/005-01-91, executed May 23, 1991, and any improvements thereon which shall immediately be offered, at no cost, to the State. Any disposal of interest in land or improvements to real property purchased pursuant to the above mentioned grant agreement shall receive prior approval of the State Building Commission. Such disposal shall comply with the general law applicable to counties' sound business practices.

SECTION 16. (a) Any county in the east Tennessee grand division not a member of the authority may become a member by:

- (1) Notifying the board of its desire to become a member;
 - (2) Adopting a resolution by a two-thirds (2/3) vote of the county legislative body; and
 - (3) Contributing funds in an amount to be determined by the board which shall not exceed the highest contribution by any county already a member as adjusted for inflation or deflation by the consumer price index (all cities average) published by the United States department of labor.
- (b) Upon approval by the board and the county legislative body of the county seeking to become a member, the county shall become a member of the authority when the authority receives the necessary contribution. When a county is added as a member of the authority, the board shall cause the resolution of the county legislative body providing for addition of the county as a member of the authority to be filed with the secretary of state as an addendum. New members shall be entitled to membership on the board. The county executive or any such county, or the county executive's designee, shall become a member of the board for an initial term of office to be as established by the board.

SECTION 17. The board of directors of the authority shall report annually to the governing bodies of the various counties of the area. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

SECTION 18. On the date the interlocal governmental cooperative agreement which established the East Tennessee Agribusiness Authority is completely terminated in accordance with the provisions of such agreement, and upon the approval of two-thirds (2/3) of such counties so terminating such interlocal governmental cooperative agreement that the assets belonging to the East Tennessee Agribusiness Authority be transferred to the East Tennessee Regional Agribusiness Marketing Authority created under this act, such assets shall be transferred to the East Tennessee Regional Agribusiness Marketing Authority. On such date the East Tennessee Regional Agribusiness Marketing Authority shall assume all debts of the East Tennessee Agribusiness Authority and the joint market project created under such interlocal cooperative agreement.

SECTION 19. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ford moved that **House Bill No. 2442**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2883** -- Motor Vehicles - Reallocates revenues derived from motor vehicle sales and forfeitures related to driver licensure, drug and alcohol driving offenses. Amends TCA Section 40-33-211(c) and subdivision (f), by *Kent, *McDaniel, *Curtiss, *Ford S. (SB3097 by *Miller J., *Atchley, *Cooper, *Crowe, *Kurita, *Person, *Williams, *Dixon, *Kyle, *Fowler, *Davis L., *Elsea, *Haun, *Burks)

On motion, House Bill No. 2883 was made to conform with **Senate Bill No. 3097**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 3097 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Curtiss moved the previous question, which motion prevailed.

Rep. Kent moved that **Senate Bill No. 3097** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Chumney -- 1.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

House Bill No. 2926 -- Appeal and Review - Permits, upon request, judicial review within 40 days if appealed board decision affects First Amendment rights Amends TCA Section 27-9-111. by *Robinson, *Buck. (*SB2634 by *Haynes)

Rep. Robinson moved that House Bill No. 2926 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2926 by adding the following to the end of the amendatory language of SECTION 1:

When an expedited hearing is requested, the board or commission shall forward the transcript described in Tennessee Code Annotated, Section 27-9-109 within seven (7) days of the grant of the writ of certiorari.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Robinson moved that **House Bill No. 2926**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	2
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Bowers, Turner (Shelby) -- 2.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

House Bill No. 2646 -- Private Protective Services - Specifies that law enforcement officers and certified security officers/guards exposed to bodily fluids during arrest may have such bodily fluids tested for hepatitis B virus and HIV virus; the person arrested to pay for such testing. Amends TCA Section 68-10-116. by *West. (*SB3021 by *Harper)

Rep. West moved that House Bill No. 2646 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2646 by inserting the following between the first and second sentence of subsection (b) of the amendatory language of SECTION 2:

If the person arrested, transported or processed cannot pay the cost of testing, the person exposed must pay such cost and shall have the right to be reimbursed by the person arrested, transported or processed for any amount paid for the testing.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2646 by deleting the first sentence of subsection (b) of the amendatory language of SECTION 2 and by substituting instead the following:

Such testing shall occur at a licensed health care facility with the cost to be paid by the state, county or municipal subdivision thereof which employs the law enforcement officer unless the exposure of the officer to the arrested person's bodily fluids is caused by an intentional act of the arrested person in which case the arrested person shall be required to pay the cost of testing.

On motion, Amendment No. 2 was adopted.

Rep. West moved that **House Bill No. 2646**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2826 -- Motor Vehicles - Revises notice to be placed on motor vehicle when odometer is repaired or replaced and mileage cannot remain the same. Amends TCA Section 39-14-132. by *Eckles. (*SB2057 by *Cooper)

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On motion, House Bill No. 2826 was made to conform with **Senate Bill No. 2057**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 2057 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Eckles moved that **Senate Bill No. 2057**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2482 -- Children, Employment of - Creates exemption from child labor law for student enrolled with church-related school or who is home schooled; requires student to present letter to employer signed by superintendent confirming student's enrollment and authorization to work; redefines "superintendent ." Amends TCA Title 50, Chapter 5, Part 1. by *Stulce. (*SB2521 by *Fowler)

Rep. Stulce moved that House Bill No. 2482 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2482 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-5-105, is amended by adding the following language as a new subsection (c), redesignating the present subsection (c) as subsection (d):

(c) With respect to a student enrolled with a church-related school as defined in §49-50-801 or who is homeschooled in accordance with the provisions of §49-6-3050 and has the consent of the parent conducting the homeschool, the provisions of subsection (b)(1) shall not apply. However, to

work during the hours identified in subsection (b)(1), such student shall also present to his employer a letter signed by the superintendent, as defined in 50-5-102(12), confirming the student's enrollment and his authorization to work.

SECTION 2. Tennessee Code Annotated, Section 50-5-102(12), is amended by adding the following language at the end of the subdivision:

Provided, however, with respect to a home school as defined in §49-6-3050, the superintendent of schools means the superintendent of the LEA where the child who has been registered as a home schooled child would otherwise attend; and with respect to a home school which teaches kindergarten (K) through grade twelve (12) where the parents are associated with an organization that conducts church related schools as defined in §49-50-801, the superintendent of schools means the superintendent of such church related school.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved that **House Bill No. 2482**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes	4
Present and not voting	8

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Fitzhugh, Maddox, Tidwell, Westmoreland -- 4.

Representatives present and not voting were: Arriola, Brooks, Haley, Jackson, Lewis, McMillan, Sands, White -- 8.

A motion to reconsider was tabled.

House Bill No. 2673 -- Alcoholic Beverages - Permits beer container sizes of 10 to 17 ounces, 22 or 40 ounces or one gallon or more. - Repeals TCA Section 57-5-112. by *Tindell, *Turner (Ham). (*SB2812 by *Crutchfield)

Rep. Tindell moved that House Bill No. 2673 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Tindell moved that **House Bill No. 2673** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	53
Noes	31
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Boner, Boyer, Brown, Buck, Burchett, Caldwell, Cole (Dyer), Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Hargrove, Head, Jones S., Jones U., Kent, Kisber, Langster, Maddox, McAfee, McDaniel, McKee, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Sands, Sargent, Stamps, Tidwell, Tindell, Turner (Hamilton), Walker (Rhea), West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Bowers, Brooks, Chumney, Cole (Carter), Cooper, Dunn, Ford, Godsey, Goins, Hargett, Hassell, Hood, Jackson, Kernell, Kerr, McMillan, Miller, Mumpower, Patton, Rinks, Robinson, Scroggs, Sharp, Stulce, Towns, Turner (Shelby), Walker (Blount), Walley, Westmoreland, Wood -- 31.

Representatives present and not voting were: Cross, Lewis, McDonald, Ridgeway, Ritchie -- 5.

A motion to reconsider was tabled.

***House Bill No. 2408** -- Alcoholic Beverages - Revises restrictions on beer container sizes. Amends TCA Section 57-5-112; Section 57-6-104(e) and Section 57-6-104(i). by *Buck. (SB2658 by *Cohen)

Rep. Buck moved that House Bill No. 2408 be passed on third and final consideration.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 2408** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	21
Present and not voting	9

Representatives voting aye were: Arriola, Bittle, Bowers, Boyer, Brooks, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry L., Eckles, Fitzhugh, Ford, Fowlkes, Givens, Halteman-Harwell, Hargrove, Hassell, Head, Hood, Jackson, Jones U., Kent, Kernell, Kerr, Lewis, Maddox, McDaniel, McKee, McMillan, Miller, Mumpower, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Turner (Hamilton), Turner (Shelby), Walker (Rhea), West, Westmoreland, White, Williams, Windle, Mr. Speaker Naifeh -- 58.

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Representatives voting no were: Armstrong, Beavers, Bird, Burchett, Dunn, Ferguson, Goins, Jones S., Kisber, Langster, McAfee, Newton, Odom, Rhinehart, Sharp, Tindell, Towns, Walker (Blount), Walley, Whitson, Wood -- 21.

Representatives present and not voting were: Boner, Brown, Cross, Fraley, Godsey, McDonald, Pruitt, Ritchie, Tidwell -- 9.

A motion to reconsider was tabled.

House Bill No. 2838 -- State Employees - Prohibits termination of state employee for filing workers' compensation claim; permits reinstatement, back pay and recovery of attorney fees Amends TCA Title 9, Chapter 8, Part 3. by *Chumney. (*SB2209 by *Cohen)

On motion, House Bill No. 2838 was made to conform with **Senate Bill No. 2209**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2209 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Chumney moved that **Senate Bill No. 2209** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

MESSAGE CALENDAR

House Bill No. 2787 -- Tennessee Wildlife Resources Agency - Authorizes executive director to establish agent fee, through competitive bidding contract procedures, for sale of licenses, permits and stamps by telephone or other electronic means. Amends TCA 70-2-106(b). by *Cross. (*SB2992 by *Gilbert)

Senate Amendment No. 1

AMEND House Bill No. 2787 by deleting the language added by House Amendment No. 1 and renumbering the effective date section accordingly.

Rep. Cross moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2787**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2864 -- Veterans - Urges department of environment and conservation to honor Tennessee's 39 Medal of Honor recipients by erecting plaque for each on Bicentennial Mall; urges film, entertainment and music commission to make film honoring state's Medal of Honor recipients for display in schools; urges Tennessee businesses and citizens to support construction of new facility for National Medal of Honor Museum of Military History of Chattanooga. by *Burchett. (*SB2979 by *Gilbert, *Crowe)

Senate Amendment No. 1

AMEND House Bill No. 2864 by deleting the fourth WHEREAS clause of the preamble in the introduced bill and substituting in lieu thereof the following:

WHEREAS, of these courageous veterans, thirty-eight (38) native born Tennesseans have received the highest military recognition that this country confers, the Medal of Honor, and six (6) additional Medal of Honor recipients enlisted in Tennessee for their estimable military service; and

AND FURTHER AMEND Section 1 of the introduced bill and substituting in lieu thereof the following:

SECTION 1. The Department of Environment and Conservation is hereby urged and encouraged to provide a lasting tribute to the forty-four (44) Medal of Honor recipients who were born or enlisted in Tennessee by erecting a memorial plaque for each of them at appropriate locations on the Bicentennial Mall in Nashville or such other place in or about the state capitol or legislative plaza as is approved by the state capitol commission.

AND FURTHER AMEND by deleting from the first sentence of Section 2 of the introduced bill the language "thirty-nine Medal of Honor recipients by producing, in cooperation with the Department of Veterans' Affairs," and by substituting instead the language "forty-four Medal of Honor recipients by producing, after consultation with the Department of Veterans' Affairs,".

Rep. Burchett moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2864**, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2908 -- Tennessee Regulatory Authority - Prohibits slamming of telephone companies; requires TRA to maintain web site for consumer complaints. Amends TCA Title 65, Chapter 4, Part 1. by *Hargrove, *Naifeh, *West, *DeBerry L., *Rinks, *Arriola, *McDonald, *Kisber, *Williams (Williamson), *Fraley, *Hood, *Miller L., *Sands, *Ridgeway, *Fitzhugh, *Maddox, *Stulce, *Robinson, *Bowers, *Cole (Dyer), *Pruitt, *White, *Cooper B., *Ritchie, *McMillan, *Lewis, *Newton, *Jones, S., *Turner (Shelby), *Langster, *Mumpower, *Walker (Blount), *Turner (Hamilton), *Hargett, *Haley, *Pleasant, *Wood, *Kernell, *Boyer, *Davidson, *McDaniel, *Chumney, *Bone, *Pinion, *Cross, *Tindell, *Brooks, *Beavers, *Curtiss, *Bird, *Ferguson, *Caldwell, *Dunn, *Jones U (Shelby), *DeBerry J., *Kent, *Cole (Carter), *Towns. (*SB2548 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 2908 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 4, Part 1, is amended by adding the following as a new section:

Section _____. (a) No telecommunications service provider, and no person acting on behalf of any telecommunications service provider, shall designate or change the provider of telecommunications services to a subscriber if the provider or person acting on behalf of the provider knows or reasonably should know that such provider or person does not have the authorization of such subscriber.

(b) No telecommunications service provider, and no person acting on behalf of any telecommunications service provider, shall bill and collect from any subscriber to telecommunications services any charges for services to which the provider or person acting on behalf of the provider knows or reasonably should know such subscriber has not subscribed, or any amount in excess of that specified in the tariff or contract governing the charges for such services.

(c) The Tennessee regulatory authority shall establish a consumer complaint form on the internet for reporting telecommunications service providers or persons acting on their behalf who charge the provider of telecommunications services in violation of the provisions of this act. Any internet sites which are maintained by the authority, the general assembly or the governor's office shall contain a link to such form.

(d) The Tennessee regulatory authority shall adopt rules implementing the provisions of this section, including, without limitation, rules specifying the manner in which subscriber authorization may be obtained and confirmed.

(e) The Tennessee regulatory authority may entertain and decide complaints and issue orders, including, without limitation, show cause orders, to enforce the provisions of this section and its rules against any telecommunications service provider, or any person acting on behalf of any telecommunications service provider.

SECTION 2. This act shall not have the effect of superseding any existing rules of the Tennessee regulatory authority, or any order or proceeding to enforce such existing rules. Any such existing rules shall remain in effect until such time as the Tennessee regulatory authority adopts new rules pursuant to this act.

SECTION 3. This act shall not have the effect of amending or superseding any provisions of the Tennessee Consumer Protection Act found in Tennessee Code Annotated, Title 47, Chapter 18.

Section 4. A telecommunications provider or person acting on behalf of a telecommunications provider who violates any provision of this act, any regulation promulgated pursuant to this act or any order issued to enforce the provisions of this act shall be subject to a civil penalty of one hundred dollars (\$100) for each day of any such violation. Such civil penalty shall be due and payable to the authority and shall be credited to the public utility account.

Section 5. Any telecommunications provider or person acting on behalf of a telecommunications provider who violates the provisions of this act or regulations promulgated pursuant thereto shall pay damages to each subscriber affected by such conduct in an amount equal to all charges and fees for services for which the subscriber has not subscribed, including all amounts in excess of allowable charges for such services, and any cost incurred to reinstate the subscriber's original telecommunications service.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2908**, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3095** -- Municipal Government - Exempts persons who have been working in capacity of both city judge and city recorder since 1984 from municipal clerk certification requirements. Amends TCA Section 6-54-120(b). by *Ferguson. (SB3293 by *Davis L)

Senate Amendment No. 1

AMEND House Bill No. 3095 by deleting the amendatory language of Section 1 and substituting instead the following:

In addition, any person is exempt from initial certification if such person has served as both a city judge and city recorder for at least twenty-five (25) years.

Rep. Ferguson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3095**, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3248 -- Libraries - Requires, for public library which is joint operation, legislative body of county or city that provides funding for operational costs, exclusive of funding for capital costs, to appoint library board of seven members. Amends TCA Section 10-3-103. by *Jones U (Shelby), *Towns, *Brown, *Langster. (*SB3192 by *Ford J)

Senate Amendment No. 1

AMEND House Bill No. 3248 by adding at the end of Subdivision (1)(C) in Section 1 the following language:

The provisions of this subdivision shall apply to any county having a charter form of government and having a population of more than six hundred thousand according to the 1990 federal census or any subsequent federal census.

Rep. U. Jones moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3248**, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

ANNOUNCEMENTS

The Clerk announced that the Special Joint Committee to study the various issues addressed in the Patient Advocacy Act authorized by Senate Joint Resolution No. 243 has submitted its report and the report is on file with the Clerk's office.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Fitzhugh, **House Bill No. 2945** was recalled from the Judiciary Committee and withdrawn from the House.

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On motion of Rep. Fitzhugh, **House Bill No. 3195** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 1768** and **2431** were recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 2430** was recalled from the State & Local Government Committee and withdrawn from the House.

BILL RECALL REQUESTED

Rep. McMillan moved to recall Senate Bill No. 2271 from the Senate and that it be placed on the Calendar for Monday, March 30, 1998, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 30, 1998:

House Bill No. 3303: by Rep. Davidson

House Bill No. 2473: by Rep. Robinson

House Bill No. 2679: by Rep. Langster

ENGROSSED BILLS

March 26, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1085, 2408, 2442, 2482, 2646, 2673, 2904, 2926, 3003, 3139 and 3304, also, House Joint Resolution(s) No(s) 627, 628 and 629.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 174, 2249, 2345, 2582, 2793, 2817, 3171, 3288 and 3362; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 174** -- Animals - Creates pilot project in Davidson County to comprehensively investigate and track animal abuse complaints. by *Harper.

Senate Bill No. 2249 -- Taxes, Real Property - Clarifies time of certification of delinquent municipal property taxes as of May 1 of second calendar year after due date. Amends TCA Section 67-5-2005. by *Rochelle.

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***Senate Bill No. 2345** -- Banks and Financial Institutions - Authorizes out-of-state banks to acquire certain branch banks in Tennessee, without acquiring entire bank, if home state has reciprocal authorization for Tennessee banks. Amends TCA Title 45, Chapter 2, Part 14, Section 45-2-614 and Section 6 of Public Chapter No. 165, Acts of 1995. by *Crowe.

***Senate Bill No. 2582** -- Victims Rights - Requires departments of correction and children's services to provide or contract to provide service notifying interested persons of certain information regarding convicted felons and juveniles adjudicated delinquent Amends TCA Title 37, Chapter 5 and Title 41, Chapter 21. by *Herron.

Senate Bill No. 2793 -- Food and Food Products - Prohibits retail food establishments from raising food prices solely to correspond with delivery of government assistance funds. Amends TCA Title 53, Chapter 8, Part 2. by *Harper.

***Senate Bill No. 2817** -- Hospitals and Health Care Facilities - Requires persons who install or repair medical gas piping to be certified by board for licensing health care facilities. Amends TCA Title 68, Chapter 11, Part 2. by *Crutchfield.

Senate Bill No. 3171 -- Aircraft and Airports - Revises requirements for civil service plan if board of metropolitan airport authority adopts own civil service plan; empowers board to contract with secretary of state for administrative law judges or to other persons on a case-by-case basis. Amends TCA Section 42-4-110. by *Person.

Senate Bill No. 3288 -- Sunshine Law - Makes meetings of certain organizations subject to open meetings law; makes certain records subject to open records law. Amends TCA Section 8-44-102 and Section 10-7-503. by *Gilbert.

Senate Bill No. 3362 -- Tennessee Wildlife Resources Agency - Increases from one to up to five number of free sport fishing days Amends TCA Title 69 and Title 70. by *Burks.

**CONSENT CALENDAR
March 26, 1998**

The following local bills have been placed on the Consent Calendar for **March 30, 1998**: House Bill(s) No(s). 3387, 3390, 3393, 3396 and 3398.

**MESSAGE FROM THE SENATE
March 26, 1998**

MR. SPEAKER: I am directed by the Senate to return to the House Senate Bill(s) No(s). 2271, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present95

THURSDAY, MARCH 26, 1998 -- SEVENTY-EIGHTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, March 30, 1998.